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January 4, 2015

VIA ECF AND HAND DELIVERY

Hon. George B. Daniels
United States District Judge
United States District Court
for the Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: *Sokolow, et al. v. Palestinian Liberation Organization, et al.*
Docket No. 04-CV-397 (GBD)(RLE)

Dear Judge Daniels:

I write in anticipation of the conference scheduled for January 6 for the purpose of summarizing issues that are pending before the Court:

1. **Jury Questionnaire:** Both parties have asked the Court to consider certain additional questions. DE 686, 698.
2. **Jury Selection:** Defendants oppose the Court's plan on jury selection. DE 686. Plaintiffs responded. DE 698.
3. **AV Order:** Plaintiffs have a proposed Audiovisual Equipment Order for the Court's consideration. In addition to plaintiffs' audiovisual needs for trial, the order encompasses the needs of the interpreters.
4. **Costs of Transcript and Interpreters:** The parties agreed by letter to share the costs of interpreters and the trial transcript costs. Plaintiffs have prepared a form of order memorializing this agreement for the Court to enter. Plaintiffs shared this proposed order with defendants, but they have not responded.
5. **Opening Statement—Use of Trial Exhibits and Demonstratives:** Plaintiffs would like the Court's permission to use a few trial exhibits and

ARNOLD & PORTER LLP

Hon. George B. Daniels
January 4, 2015
Page 2

demonstratives during opening statement. We would like to discuss this at the conference.

6. **Plaintiffs' Expert Witness Testimony:** Plaintiffs submitted two letters opposing defendants' request to exclude the testimony of specified experts. Defendants have not responded.

Israel Shrenzel, Alon Eviatar, Matthew Levitt. DE 684.

Itamar Marcus. DE 696.

7. **Plaintiffs' Use of Deposition Testimony:** Plaintiffs have asked the Court to admit portions of six depositions. DE 678. Plaintiffs plan to play two video depositions and to have a member of the trial team pose questions to an individual sitting in the witness box who will read the answers for the other four.

Mosaab Hassan Yousef: Defendants oppose admission of the testimony of Mosaab Hassan Yousef. DE 680. Plaintiffs wrote in further support of this testimony. DE 692. Defendants replied. DE 699.

Salam Fayyad, Hasan Abu-Libdeh, Yasser Shaqbu'a, Hussein al Sheikh, and Masen Jadallah: Defendants oppose admission of the testimony of these four witnesses. DE 690. Plaintiffs replied. DE 707.

8. **Benjamin Blutstein and Mark Sokolow:** Plaintiffs have requested that the Court exclude certain evidence relating to Benjamin Blutstein and Mark Sokolow. DE 676. Defendants have not responded.
9. **Witness Oaths:** Plaintiffs request that witnesses be offered the opportunity to affirm rather than swear an oath prior to giving testimony. This is a matter of religious preference for many plaintiffs and other witnesses, and we respectfully ask that the Court proactively offer the opportunity to affirm so as not to make these individuals feel self-conscious.
10. **Fawzi Murar:** Plaintiffs do not intend to rely on the eyewitness identification made of Fawzi Murar by Varda Guetta.

ARNOLD & PORTER LLP

Hon. George B. Daniels
January 4, 2015
Page 3

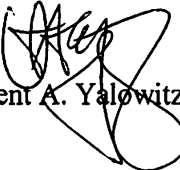
11. **Redaction of Names of Accomplices:** Plaintiffs asked the Court to clarify its *sua sponte* ruling that plaintiffs redact the names of certain accomplices in selected and important convictions and custodial statements of unavailable witnesses. DE 683. Defendants opposed this request. DE 700. Plaintiffs replied. DE 704.
12. **Self-Inculpatory Statements at Sentencing:** Plaintiffs asked that specified self-inculpatory statements of unavailable witnesses immediately before sentencing be admitted. DE 689. Defendants have not responded.
13. **Defendants' Undisclosed Fact Witnesses:** In connection with plaintiffs' pending *in limine* motion to exclude defendants' fact witnesses whose subject matters were never disclosed, the Court instructed defendants to file a letter describing the testimony of their fact witnesses. DE 677. A week later, defendants attempted to add two new witnesses. DE 685. Plaintiffs responded with a letter asking the Court to preclude the testimony of all these untimely disclosed trial witnesses. DE 697.
14. **Photographs of Perpetrators and Aftermath of Terrorist Attacks:** Defendants object to photographs and videos of the aftermath of the terrorist attacks at issue in this case, photographs of the alleged perpetrators, and testimony of two witnesses who were eyewitnesses to two of the attacks. DE 695. Plaintiffs responded. DE 706.
15. **Post-Attack Payments:** Defendants seek to exclude all evidence of post-attack payments by defendants to any non-employees or their families. DE 701. Plaintiffs responded. DE 705.
16. **Video Recordings of Perpetrators:** Defendants seek to exclude from evidence three video recordings including statements of Abdullah Barghouti, Wael Qassam, Qahira Sa'adi, and Sana'a Shehadeh (all of whom were convicted for their roles in the attacks in this case), as well as testimony or declarations laying a foundation for the videos. DE 702. Plaintiffs responded. DE 708.
17. **Government Reports:** Plaintiffs sought admission of thirty-one trial exhibits consisting of United States or Israeli government reports and/or public records. DE 693. Defendants opposed. DE 703. Plaintiffs intend to reply on January 7.

ARNOLD & PORTER LLP

Hon. George B. Daniels
January 4, 2015
Page 4

18. **Exhibit List and Witness List:** The parties are scheduled to exchange witness and exhibit lists on January 5. Plaintiffs anticipate that defendants' witness list will include witnesses whose testimony consists solely of issues that have been excluded by the Court. Plaintiffs may wish to raise this at the conference.
19. **Defendants' "Renewed" Motion for Summary Judgment:** Defendants filed a "renewed" motion for summary judgment. DE 681, 682. Plaintiffs respectfully ask the Court to deny this motion without a written response.

Respectfully,


Kent A. Yalowitz

cc: All ECF Counsel